



James W. Grudus
Senior Attorney

Room 1126M1
295 North Maple Avenue
Basking Ridge, NJ 07920
908-221-6630

March 1, 2002

Via Electronic Mail

Jennifer Gorny, Esq.
Attorney –Advisor
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Toll- Free Agenda Comments; CC Docket No. 95-155

Dear Jennifer:

As discussed, AT&T had not interpreted the February 11, 2002 Public Notice in this proceeding¹ to require the filing of comments on the agenda items in the March 4 Toll-Free Forum as a necessary predicate to participation and therefore did not draft a full and detailed position vis-à-vis each agenda item. However, yesterday you advised us that filed comments are in fact required from parties in order to participate in that session. AT&T had intended to participate in the forum, and still wishes to do so. AT&T has therefore prepared necessarily abbreviated comments on the agenda items set forth in the Commission's February 11, 2002 Public Notice, which are enclosed with this letter.

For a fuller record of AT&T's position, please refer to the substantial body of Comments, Reply Comments and ex parte filings AT&T has submitted in CC Docket 95-155. Specifically, please refer to AT&T's request for declaratory ruling and clarification (filed with the Commission May 24, 2001), Comments and Reply Comments of AT&T Corp., Sprint Corp., and WorldCom, Inc. (filed with the Commission July 12, 2001 and July 23, 2001, respectively, in NSD File No. L-01-112) and AT&T Corp. Comments (filed with the Commission January 31, 2002 in NSD File No. L-02-00).

Pursuant to the Commission's rules² and the Administrative Procedure Act,³ AT&T reserves the opportunity to supplement the record of this proceeding before the Commission makes a ruling regarding Toll-Free Administration or any agenda item in the Public Notice.

¹ Common Carrier Bureau to Hold Forum On Toll-Free Number Administration, Public Notice (CC Docket No. 95-155), DA 02-315 (released February 11, 2002) ("Public Notice").

² 47 CFR §§ 1.1 & 1.401 et seq.

³ 5 U.S.C. § 551 et seq.

Should there be any questions about the attached material, please call me at 908.221.6630 or Michael Delcasino at 202.457.2023.

Respectfully submitted,

/s/

James Walter Grudus

cc: Michael Delcasino

Enclosure

AT&T's summary of Position Statements On Agenda Items

I. Toll-Free Number Administration Under the Current System

- *Should the Commission implement the directives proposed in the DSMI Letter? Because industry believes that the directives would be costly and potentially ineffective, what other solutions could be implemented either as an alternative to, or in addition to, the directives in the DSMI Letter to achieve the Commission's stated objectives?*

AT&T's Position: The Commission should not implement the proposals in the DSMI letter. The industry stands ready to propose alternatives, but is constrained because the Commission has not yet given industry participant's sufficient information to develop constructive alternatives.

- *Should the Commission modify its toll-free administration rules to allow for the transfer of toll-free numbers between subscribers in certain instances?*

AT&T's Position: The toll-free administration rules do not foreclose the ability to transfer of toll-free numbers between subscribers. This capability is absolutely necessary to serve the important and sometimes emergency needs of toll-free customers.

- *To ensure that the first come, first served policy operates effectively, what changes could be made to the current system or industry procedures?*

AT&T's Position: The current first-come, first-served policy operates efficiently and effectively and no changes are necessary.

- *Should the Commission implement policies or procedures to equalize access to the toll-free database among users of Mechanized Generic Interface, Generic User Interface and dial-up?*

AT&T's Position: This is already a free marketplace where each method of access is equally available to any company that makes the investment in time and resources necessary to take advantage of the opportunity and functionality they desire. Especially if it results in disadvantaging a group of users who chose to devote substantial resources to obtain a certain level of service and functionality, equalization, is antithetical to the tenets of a free marketplace and therefore completely unacceptable.

- *What can/should the Commission do to alleviate or eliminate warehousing, hoarding and unauthorized disconnections of toll-free numbers?*

AT&T's Position: Enforcement action, properly applied, is the most effective remedy to deal with companies that are not in compliance with the Commission's rules.

- *Should the toll-free administrator more closely track the activities of RespOrgs and, if so, how?*

AT&T's Position: There is no record to support or indicate the need for increased supervision or regulation of the RespOrgs. The toll-free administrator should, however, monitor the activities of RespOrgs about whom repeated complaints have been raised by customers, other RespOrgs or other interested parties.

- *Should the toll-free administrator require RespOrgs to include names and other subscriber information in the records stored in the SMS/800 Database?*

AT&T's Position: No. This question is particularly troubling because it evidences a lack of understanding concerning the competitive nature of the industry and the confidentiality concerns of customers and service providers.

- *To discourage hoarding, should the Commission limit the number of toll-free numbers serving each telephone line and require subscribers that want additional toll-free numbers to provide a justification for their request?*

AT&T's Position: No. An arbitrary limit on the number of toll-free numbers serving each 'telephone line' is both unnecessary and unworkable.

- *Are there industry policies or procedures that could be implemented by RespOrgs to prevent unauthorized disconnections of toll-free numbers?*

AT&T's Position: Each company is responsible to operate in a reasonable fashion. In a free market, if a customer is displeased with its current toll-free provider the customer is free to choose a different RespOrg.

II. Restructuring the Current Toll-Free Number Administration System

- *Should ownership and operation of the toll-free database be transferred to an entity that is not affiliated with any segment of the telecommunications industry?*

AT&T's Position: Yes. Such an arrangement is required to implement the requirements of (47 U.S.C. § 251(e)(1)). The BOC entry into interexchange marketplaces makes this an even more pressing issue.

- *Should the current self-serve method of allocating toll-free numbers be replaced by an allocation system similar to the North American Numbering Plan system, in which the number administrator allocates numbers upon carrier request, subject to certain conditions? Or would such an approach be too burdensome?*

AT&T's Position: The industry and consumers are well served by the current system. There is no record to support a change.

- *What changes to the structure would reduce costs to RespOrgs and consumers, and increase the efficiency of toll-free number use?*

AT&T's Position: It does not make sense to discuss specific changes before establishing a governing structure under a neutral administrator.

- *Should SMS/800 service continue to be provided under tariff?*

AT&T's Position: Yes, continued tariff regulation is necessary.

III. Market-Based Toll-Free Administration

- *Could a market-based system, in which RespOrgs or subscribers would be able to purchase toll-free numbers, be established?*

AT&T's Position: AT&T does not support the creation of a market-based system for toll-free numbers.

- *What would be the benefits and costs of creating a market to allocate toll-free numbers? For example, would a market-based system increase the efficiency of toll-free number use?*

AT&T's Position: No, a market-based system would not increase the efficiency of the toll-free system.